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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 EDGARDO SEMINIANO,

12 Plaintiff,

13 vs.

14 XYRIS ENTERPRISE, INC.;
15 ATKINSON CARE HOME;
16 MUQUET DADABHOY; AND
17 TERESITA CASTANEDA,

18 Defendants.

CASE NO: CV 10-01673-JST (JEMx)

DECLARATION OF DENNIS W.
RIHN IN REPLY TO DEFENDANTS'
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT

DATE: JANUARY 3, 2011
TIME: 10:00 A.M.
COURTROOM: 10A

JUDGE: HONORABLE JOSEPHINE
STATON TUCKER

DECLARATION OF DENNIS W. RIHN

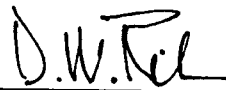
I, Dennis W. Rihn, declare as follows:

1. I am an attorney at law licensed to practice before this Court and all the courts of the State of California and one of Plaintiff's attorneys of record in this action. I have personal knowledge of the matters set forth in this declaration. If called and sworn as a witness, I could and would competently testify to everything in this declaration.

2. On August 9, 2010, I personally served by mail the requests for admission previously submitted to the Court, the interrogatories attached hereto as Exhibits E through H, and the requests for production attached hereto as Exhibits I through L. The envelope in which those written discovery requests were contained was addressed to Ms. Amy Ghosh at her address of record in this case and had my return address affixed to the envelope. The envelope in which the discovery was mailed was never returned by the post office.

3. On November 2, 2010, I had the required pre-filing conference regarding Plaintiff's summary judgment motion with Ms. Ghosh. During that conference, I asked Ms. Ghosh specifically why, if she had not been advised of the secret settlement, she had never responded to any of the written discovery I had propounded. At that time, Ms. Ghosh did not deny having received the discovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in Pasadena, California, on December 13, 2010.



DENNIS W. RIHN